99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-486

NEWARK PUBLIC LIBRARY

APR 1 1986

U. S. GOVT. PUBS.
DEPOSITORY 379

HIGHWAY EMERGENCY RELIEF

MARCH 6, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 4240]

[Including cost estimate of the Congressional Budget Office]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 4240) to amend title 23 of the United States Code to increase the limitation on the amount of obligations from $30,000,000 to $100,000,000 for emergency relief projects in any State resulting from any single natural disaster or catastrophic failure occurring in calendar year 1986, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. EMERGENCY RELIEF OBLIGATION CEILING.

Section 125(b) of title 23, United States Code, is amended by inserting after "$30,000,000" the following: "(or $100,000,000 with respect to natural disasters and catastrophic failures occurring in calendar year 1986)".

SEC. 2. EMERGENCY RELIEF FOR THE TERRITORIES.

(a) TERRITORIES TREATED AS STATES.—Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) LIMITATION ON OBLIGATIONS BY TERRORITIES.—The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by striking out the period at the end of such sentence and inserting in lieu thereof the fofllowing: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed $5,000,000.".

71-006 O

READEX FICHE best copy available

Y1.1/8:

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall take effect April 15, 1983.

SEC. 3. INCREASE IN THE AMOUNT OF FUNDS AVAILABLE FOR SMALL FLOOD CONTROL PROJECTS.

The first sentence of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking out "$30,000,000" and inserting in lieu thereof "$40,000,000".

Amend the title so as to read:

To amend title 23 of the United States Code to increase the limitation on the amount of obligations from $30,000,000 to $100,000,000 for emergency relief projects in any State resulting from any single natural disaster or catastrophic failure occurring in calendar year 1986, and for other purposes.

The Federal-aid highway emergency relief program is a special program to provide for the repair or reconstruction of Federal-aid highways that have suffered from natural disasters or catastrophic failures from any external cause. The program provides assistance to correct failures caused by unanticipated external forces beyond the control of highway authorities.

Emergency funds for disaster-damaged roads have been provided since 1934. The present emergency relief program was codified in section 125 of Title 23, United States Code, in 1958. Authorization of $100 million per year provided for this program with a limit of $30 million per disaster for any given State. The Federal share for eligible work is 100 percent. Funds remain available for expenditure during the fiscal year for which authorized plus the next two years.

Due to the severity of a recent disaster in California and the continuing uncertainty of the number and cost of future storm-related disasters, the Committee believes that it is appropriate at this time to increase the limitation per disaster to $100 million for each State for calendar year 1986. The increased limitation will provide all the States the opportunity to share in the benefits of the emergency relief program at the increased limitation level.

In addition to the issue of the per-State limitation on funding, there is a question of funding eligibility which the Committee wishes to address. Among those parts of the country which have been impacted by natural disasters are the Virgin Islands. Prior to enactment of the Surface Transportation Assistance Act of 1982 (STAA), none of the Nation's territories had roads designated on the Federal-aid highway system. The STAA permitted the Virgin Islands, Guam, American Samoa and the Northern Marianas to designate mileage on the Federal-aid Primary System, but failed to make this mileage eligible for funding under the Section 125 emergency relief program.

There is also a need to amend Section 205 of the Flood Control Act of 1948, which authorizes the Corps of Engineers to construct small flood control projects with a cost of not more than $4 million without specific Congressional authorization. Currently, no more than $30 million may be allotted in any fiscal year for such projects. Recent appropriations for section 205 projects have been near the full $30 million. Because of the recent catastrophic damages which have occurred in certain States, the annual authorization level is inadequate to provide timely funding for additonal flood control projects which are necessary and which could mitigate future damages.

PURPOSE

The purpose of H.R. 4240 is to increase the limitation on the amount of obligations from $30 million to $100 million for emergency relief projects in any State resulting from any single natural disaster or catastrophic failure, occurring in calendar year 1986. This legislation also authorizes the Corps of Engineers to construct small flood control projects with a cost of not more than $4 million without specific authorization. No more than $30 million may be allotted in any fiscal year for such projects. The provision also increases the $30 million annual limitation to $40 million under section 205 of the Flood Control Act of 1948.

Section 1 would amend Section 125(b) of Title 23, United States Code, to increase the limitation on the amount of obligations from $30 million to $100 million for emergency relief projects in any State resulting from any single natural disaster or catastrophic failure occurring in calendar year 1986. All States are eligible to receive the increased benefits under the emergency relief program for disaster-related highway needs incurred during calendar year 1986.

Section 2 adds a new subsection (d) to Section 125 of Title 23 which makes the territories eligible for emergency relief assistance. Subsection (b) imposes a $5 million annual limitation on emergency relief funding for the territories collectively. Subsection (c) makes the amendment retroactive to April 15, 1983, to cover a recent disaster.

Section 3 amends Section 205 of the Flood Control Act of 1948, which authorizes the Corps of Engineers to construct small flood control projects with a cost of not more than $4 million without specific Congressional authorization. The provision would increase the $30 million annual limitation to $40 million.

The Committee will initiate further legislation to remedy the situation if funds in the program prove inadequate to meet needs arising from future disasters.

COMPLIANCE WITH CLAUSE 2(l) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) With reference to clause 2(l)(3)(A) of Rule XI of the Rules of the House of Representatives, no separate findings or recommendations have been formally issued on the subject matter of this legislation by the Subcommittee on Investigations and Oversight.

(20 With reference to clause 2(l)(3)(B) of Rule XI of the Rules of the House of Representatives, H.R. 4240 provides no new budget authority or new or increased tax expenditures.

(3) With respect to clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives, the Committee has received the following report prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act.

The report is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 6, 1986.

Hon. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 4240, a bill to amend title 23 of the United States Code to increase the limitation on the amount of obligations from $30,000,000 to $100,000,000 for emergency relief projects in any State resulting from any single natural disaster or catastrophic failure occurring in calendar year 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

JAMES BLUM,
(For Rudolph G. Penner).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number H.R. 4240.

2. Bill title: A bill to amend title 23 of the United States Code to increase the limitation on the amount of obligations from $30,000,000 to $100,000,000 for emergency relief projects in any State resulting from any single natural disaster or catastrophic failure occurring in calendar year 1986.

3. Bill status: As ordered reported by the House Committee on Public Works and Transportation, March 5, 1986.

4. Bill purpose: The bill permits 1986 obligations of up to $100 million for emergency relief highway projects in an individual state, compared to only $30 million under current law. It would also make U.S. territories eligible to receive emergency relief funds. H.R. 4240 also increased to $40 million the amount that can be spent in any year by the Corps of Engineers on small construction projects without specific authorizations.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990	1991
Estimated authorization level		10	10	10	10	10
Estimated outlays		7	9	10	10	10

The costs of this bill fall within budget function 300.

Basis of estimate: Although this bill permits more funds to be obligated in 1986 for emergency relief projects in any one state than is possible under current law, it does not increase the total annual authorizations for this program. Therefore, no additional costs for this purpose are included in the above estimate.

The bill increases from $30 million to $40 million the amount of appropriated funds the Corps can allocate annually to small flood control projects not specifically authorized by the Congress. Under current law, the Corps expects to allocate $30 million annually from its appropriations for these activities. Since funds have already been appropriated for the Corps for fiscal year 1986, it is expected that funds for this fiscal year will be reallocated consistent with this new authority, with no increase in the fiscal year 1986 appropriations. It was assumed, however, that the full additional amounts authorized by this bill to be allocated to this activity for fiscal years 1987 through 1991 will be appropriated for each fiscal year.

6. Estimated cost to state and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Kathleen and Theresa Gullo.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

(4) With respect to clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject matter.

(5) With respect to the requirements of clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 4240 should have no inflationary impact on prices and costs in the operation of the national economy.

Cost of Legislation

In accordance with Rule XIII(7) of the Rules of the House of Representatives, the cost to the United States in carrying out H.R. 4240, as reported, in fiscal year 1986, and in each of the five following fiscal years, is estimated by the Committee to be costs which appear in the report of the Congressional Budget Office.

Vote

The Committee ordered the bill reported by voice vote.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Section 125 of Title 23, United States Code

§ 125. Emergency relief

(a) * * *

(b) The Secretary may expend funds from the emergency fund herein authorized for the repair or reconstruction of highways on the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors, in accord-

ance with the provisions of this chapter: *Provided,* That *(1)* obligations for projects under this section, including those on highways, roads, and trails mentioned in subsection (c) of this section, resulting from a single natural disaster or a single catastrophic failure shall not exceed $30,000,000 *(or $100,000,000 with respect to natural disasters and catastrophic failures occurring in calendar year 1986)* in any State, *and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed $5,000,000.* Notwithstanding any provision of this chapter actual and necessary costs of maintenance and operation of ferryboats providing temporary substitute highway traffic service, less the amount of fares charged, may be expended from the emergency fund herein authorized on the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors. Except as to highways, roads, and trails mentioned in subsection (c) of this section, no funds shall be so expended unless the Secretary has received an application therefor from the State highway department, and unless an emergency has been declared by the Governor of the State and concurred in by the Secretary, except that if the President has declared such emergency to be a major disaster for the purposes of the Disaster Relief Act of 1974 (Public Law 93-288) concurrence of the Secretary is not required.

* * * * * * *

(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.

SECTION 205 OF THE FLOOD CONTROL ACT OF 1948

That the Secretary of the Army is hereby authorized to allot from any appropriations heretofore or hereafter made for flood control, not to exceed **[**$30,000,000**]** *$40,000,000* for any one fiscal year, for the construction of small projects for flood control and related purposes not specifically authorized by Congress, which come within the provisions of section 1 of the Flood Control Act of June 22, 1936, when in the opinion of the Chief of Engineers such work is advisable. The amount alloted for a project shall be sufficient to complete Federal participation in the project. Not more than $4,000,000 shall be allotted under this section for a project at any single locality. The provisions of local cooperation specified in section 3 of the Flood Control Act of June 22, 1936, as amended, shall apply. The work shall be complete in itself and not commit the United States to any additional improvement to insure its successful operation, except as may result from the normal procedure applying to projects authorized after submission of preliminary examination and survey reports.

○